



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



JENNIFER M. GRANHOLM  
GOVERNOR

MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

April 24, 2006

**MEMORANDUM**

**TO:** State Board of Education

**FROM:** Kathleen N. Straus, President

**SUBJECT:** Discussion Regarding State Board of Education Position on Ballot Proposal to Amend State Constitution to Ban Affirmative Action Programs

On November 7, 2006, Michigan voters will be voting on an amendment to the Michigan Constitution to eliminate all state and local government affirmative action programs designed to provide equal opportunity and diversity. The proposed ballot language is as follows:

A proposal to amend the state constitution to ban affirmative action programs that give preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin for public employment, education or contracting purposes.

The proposed constitutional amendment would

Ban public institutions from using affirmative action programs that give preferential treatment to groups or individuals based on their race, gender, color, ethnicity or national origin for public employment, education or contracting purposes. Public institutions affected by the proposal include state government, local governments, public colleges and universities, community colleges and school districts.

Prohibit public institutions from discriminating against groups or individuals due to their gender, ethnicity, race, color or national origin. (A separate provision of the state constitution already prohibits discrimination on the basis of race, color or national origin.)

At the April 11, 2006, Board meeting a member of the Board asked that the Board consider taking a position on the proposal. The State Board of Education has also been asked to join other state leaders in opposing this proposal that will take away local and state governments' ability to develop programs that overcome the impact of discrimination against women and minorities.

**STATE BOARD OF EDUCATION**

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**STATE CONSTITUTION (EXCERPT)**  
**CONSTITUTION OF MICHIGAN OF 1963**

**§ 2 Equal protection; discrimination.**

Sec. 2. No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin. The legislature shall implement this section by appropriate legislation.

**History:** Const. 1963, Art. I, § 2, Eff. Jan. 1, 1964.

# The Proposed Michigan Civil Rights Initiative (MCRI)

## Constitutional Amendment Language

If MCRI passes, it would amend the Michigan Constitution to add a new section to Article I. That section would read as follows:

### **ARTICLE I, SECTION 26: Civil Rights.**

The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

2. The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
3. For the purposes of this section "state" includes, but is not necessarily limited to, the state itself, any city, county, any public college, university, or community college, school district, or other political subdivision or governmental instrumentality of or within the State of Michigan not included in sub-section 1.
4. This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to the state.
5. Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.
6. The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Michigan anti-discrimination law.
7. This section shall be self-executing. If any part or parts of this section are found to be in conflict with the United States Constitution or federal law, the section shall be implemented to the maximum extent that the United States Constitution and federal law permit. Any provision held invalid shall be severable from the remaining portions of this section.
8. This section applies only to action taken after the effective date of this section.
9. This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.

# ONE UNITED MICHIGAN

## MICHIGAN IS COMING TOGETHER

AARP/Michigan  
AFT Michigan  
ACLU of Michigan  
ACCESS  
A. Philip Randolph Institute  
American Arab Anti-Discrimination  
Coalition  
American Arab Chamber of  
Commerce  
American Association for Affirmative  
Action  
American Association of University  
Women of Michigan  
American Jewish Committee  
Arab American and Chaldean Council  
Association of Food Dealers of  
Michigan  
Coalition of Labor Union Women  
Council of Baptist Pastors of Detroit  
and Vicinity  
Council of Organizations of Asian  
Indians of Michigan  
Council on American-Islamic Relations  
Clean Water Action  
D. Augustus Straker Bar Association  
Delta Sigma Theta, Inc. Michigan  
Detroit Alliance for Fair Banking  
Detroit Catholic Pastoral Alliance  
Detroit Federation of Teachers  
Detroit Regional Chamber  
Detroit Renaissance  
Detroit Urban League  
Evangelical Lutheran Church in  
America, SE Michigan Synod  
Gray Panthers of Huron Valley  
Gray Panthers of Metro Detroit  
Jewish Community Council of  
Metropolitan Detroit  
Latin Americans for Social and  
Economic Development  
League of Women Voters of Michigan  
Metro Detroit Coalition of Black Trade  
Unions  
Michigan AFSCME Council 25  
Michigan Federation of Business &  
Professional Women's Clubs, Inc.  
Michigan Catholic Conference  
Michigan Conference - National  
Organization for Women  
Michigan Council of YWCAs  
Michigan Education Association  
Michigan Equality  
Michigan Jewish Conference  
Michigan Legislative Black Caucus  
Michigan League for Human Services  
Michigan Non-Profit Association  
Michigan Pay Equity Network  
Michigan State AFL-CIO  
Miller, Canfield, Paddock and Stone  
NAACP, Detroit Branch  
NAACP, Michigan State Conference  
National Association of Women  
Business Owners - Greater Detroit  
National Conference For Community  
and Justice  
National Council of Jewish Women,  
Greater Detroit Section  
National Council of Negro Women,  
Inc. Metro Detroit Section  
National Women's Political Caucus  
New Detroit, Inc.  
Organization of Black Alumni, Wayne  
State University  
Presidents Council, State Universities  
of Michigan  
SEIU State Council  
SER Metro Detroit  
Students Supporting Affirmative Action  
Triangle Foundation  
United Auto Workers  
Women's Progressive Activists (WPA)  
Zonta International District 15

March 28, 2006

Mrs. Kathleen Straus  
State Board of Education  
Post Office Box 30008  
Lansing, MI 48909

Dear Mrs. Straus,

On Nov. 7, 2006, Michigan voters will be voting on a divisive amendment to our state constitution that will determine whether we will immediately eliminate all state and local government affirmative action programs designed to provide equal opportunity, diversity and outreach based on gender and race.

All of Michigan is coming together to oppose this divisive proposal, including leading Republicans and Democrats such as Dick DeVos, Jennifer Granholm, Michael Bouchard, Debbie Stabenow and Keith Butler. Organizations opposing the proposal include the Grand Rapids and Detroit chambers, Detroit Renaissance, the National Association of Women Business Owners, AFL-CIO, AFSCME, MEA, MFT, UAW, New Detroit, the Prosecuting Attorneys Association of Michigan, Michigan Catholic Conference, the Jewish Community Council, ACLU, NAACP, AARP and the League of Women Voters. Many city councils and county boards are passing resolutions opposing the proposal as an attack on local control of hiring and contracting policies.

Here is what just a few of the prominent officials are saying:

Governor Jennifer Granholm: "I think people want to see us as a state that embraces possibility and hope for everyone and to enshrine something that would end up being viewed as discriminatory and negative and exclusive rather than inclusive would be a terrible statement about Michigan."

Jeannie Englehart, Grand Rapids Chamber of Commerce: "Our board has determined that there is a strong and compelling business case for diversity and the proposal will have a detrimental impact on Michigan's ability to compete in a global marketplace."

Dick DeVos: "I am particularly concerned that this initiative may have the unintended consequence of negatively impacting programs aimed at helping women in education."

Sr. Monica, Michigan Catholic Conference: "Affirmative action is clearly the best way at this time to right the wrongs that have been perpetrated through discrimination in our society."

Shirley Stancato, New Detroit: "When you have all those different experiences, different backgrounds represented at the table, then you have a diversity of ideas and I think that would lead an organization up."

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STATE BOARD OF EDUCATION

We are writing to ask that you join these leaders in opposing this far reaching and dangerous proposal. We believe that its proponents, led by out-of-state interests who financed the campaign, are not interested in the future of our state - a future that will require all of our people coming together to fight for economic prosperity.

This proposal will take away our local and state governments' ability to develop programs that overcome the impact of discrimination against women and minorities. It will eliminate effective efforts to bring underrepresented groups - including men - into key professions our state needs to grow. It will make it impossible to outreach to young women for careers in math, science and engineering or to address growing evidence that we should consider the issues of young boys in developing our education system. In short, this proposal will take us backwards, toward a past when many in our society had few opportunities, and away from a future where we can proudly say we have equal opportunity for all.

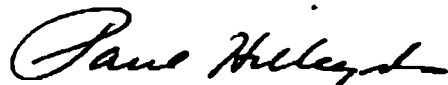
As you can see, we are building strong support from individuals and organizations around the state. These endorsements are vital as we build a statewide grass roots organization to educate Michigan's voters.

We would like you to add your name to the long list of those opposed to this proposal to preserve diversity, affirmative action and outreach programs in our state. If you are willing to do so, please contact the campaign immediately, either by emailing your support to [contactus@oneunitedmichigan.org](mailto:contactus@oneunitedmichigan.org) or contacting our campaign manager, Trisha Stein at 313-671 1824 or communications consultant, David Waymire at 517-485-6600.

Sincerely,



Debbie Dingell  
Co-Chair, One United Michigan



Paul Hillegonds  
Co-Chair, One United Michigan